HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No.4339/2007

PETITIONER		Arvind Kumar Rajput S/o Shri Vilaty Rajput, aged about 41 years, Development shores center coordinater Lailunga, District Raigarh (C.G.). Resident of ShantiNagar lailunga, District Raigarh (C.G.)
		Versus
RESPONDENTS	1.	State of Chhattisgarh Through Secretary Education Department, D.K.S. Bhawan Raipur (C.G.)
	2.	The Director (Mission) Rajeev Gandhi Shiksha Mission C.G. Raipur (C.G.)
	3.	Commissioner, Tribal and Scheduled Caste Development Department, Raipur (C.G.)
	4.	Assistant Commissioner Tribal Development, Raigarh (C.G.)
	5.	Collector & Dist. Mission Director Rajeev Gandhi Shiksha Mission, District Raigarh (C.G.)
	6.	District Coordinator Rajeev Gandhi Shiksha Mission Raigarh, District Raigarh (C.G.)
	7.	Block Education Officer, Lailunga, District Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri R.S. Patel, counsel for the Petitioner.

Shri Yashwant Singh, Govt. Advocate for the State on advance copy

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ORAL ORDER
(31.07.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the substantive post of Assistant Teacher, has filed this Writ Petition being aggrieved with the order dated 20.06.2007 (Annexure P-1), whereby, the additional charge of *Vikas Khand Strot Kendra Samnvayak*, which

was given to him by order dated 5.10.2005, has been taken back from him.

Learned counsel for the petitioner submits that the action of the government is malafide, therefore, the impugned order be set aside.

A perusal of the record would show that the aforesaid order has been passed on the basis of order dated 5/5/2007 (Annexure P-2) issued by the School Education Department, according to which, it has been specified that such posts shall be held by Trained Teacher/Headmaster of Middle School/Lecturer.

On pointedly being asked from learned counsel for the petitioner as to whether the petitioner is a trained teacher or not, he replied that the petitioner is not a trained teacher.

In view of the above, when there is specific condition of the person being a trained teacher and the petitioner is not a trained teacher, withdrawal of such additional charge from the hands of the petitioner cannot be said to be vitiated by malafide or not in accordance with law.

There is no force in the arguments raised by learned counsel for the petitioner.

Having heard learned counsel for the petitioner and after going through the contents of the Writ Petition, I do not find any illegality in the order passed by the concerned authority vide Annexure P-1.

There is no merit in this petition and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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